REMARKS

I. Introduction

The Final Office Action mailed on September 9, 2003 and the references cited therein have been carefully studied and, in view of the preceding amendments and the following remarks, reconsideration and allowance of this application are most respectfully requested. The Examiner has rejected claims 31-51, as re-numbered by the Examiner. By the current amendment, claim 32 is canceled without prejudice, and claims 31, 33, 35, 37, 39, 40, and 47-51 have been amended. Any deletion of material from the claims is done without prejudice. Applicants respectfully submit that the pending claims are now in condition for allowance.

II. Rejections Under 35 U.S.C. 112, first paragraph

The Examiner has rejected the claims 31 and 33-51 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that certain compounds set forth in claims 31 and 47-50 "were originally disclosed only in reference to the at least one mono-anionic, bidentate carbon-coordination ligand substituted with at least one of an electron donating substituent and [or] an electron withdrawing substituent" or in reference to specific platinum compounds. To further prosecution of the pending claims, Applicants have amended claims 31 and 47 to recite the term, "wherein the at least one mono-anionic, bidentate, carbon-coordination ligand is substituted with at least one of an electron donating substituent and an electron withdrawing substituent."

The Examiner states that support for the third, fourth and twelfth formula set forth in claims 35 and 47 is not clear. The third and twelfth formula of claims 35 and 47 are amended herein. The third, fourth and twelfth formula find support in Figure 6a and Figure 6b. Applicants are submitting herewith corrected Figures 6a, 6b, 6c, and 8d. As would be readily apparent to a person of skill in the art, the double bonds of some of the heterocyclic rings depicted in Figures 6a, 6b, 6c, and 8d are drawn in an incorrect position. For example, the fourth structure in Figure 6a is a boron containing compound

having two pyrazole rings. The pyrazole ring on the left shows the double bonds in a correct position, while the pyrazole ring on the right has the double bonds in an incorrect position. In the amended figures, the structure has been corrected so that both pyrazole rings are the same and have the double bonds in a correct position. Similarly, the fifth structure in Figure 6a is a boron containing compound having two pyrrole rings. The double bonds in the pyrrole ring on the left are in the correct position while the double bonds of the pyrrole ring on the right are in an incorrect position. In the amended figures, the structure has been corrected so that both pyrrole rings are the same and have the double bonds in the correct position. The pyrazole rings of the eighth structure of Figure 6b and the right-most pyrazole ring of the third structure of Figure 8d have also been corrected herein.

The twelfth structure of claims 35 and 47 is amended to correct a clerical error in the previous amendment in which the "X" was accidentally omitted from the structure.

The Examiner states that support for the eleventh formula of claim 37 is not clear. Applicants have deleted the eleventh formula to further the prosecution of the pending claims.

Applicants respectfully submit that the claims as amended herein fully comply with the requirements of 35 U.S.C. 112, first paragraph.

III. Rejections Under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 35, 47 and 49-51 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Particularly, the Examiner states that claims 35 and 47 do not define the variable R. Applicants submit that this omission was a clerical error which has been corrected herein. The variable R is defined in the same manner as R_1-R_8.

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The Examiner states that the definition of E as set forth in claims 35 and 37 results in an improper number of bonds between the atom represented by E and the remainder of the formula. Applicants respectfully disagree with the Examiner's position. The number of bonds to E is correct, as one bond represents a donative (dative) bond to a metal ion. In other words, the atom represented by E is coordinated to the metal atom through an electon pair donated by the atom E. The structure depicted represents a correct resonance structure. Applicants respectfully request that this rejection be withdrawn.

The Examiner states that the term "non" should be inserted before "mono-anionic" in the eighth line of claim 47. Applicants submit that this omission was a clerical error which has been corrected herein.

Applicants respectfully submit that the claims as amended herein fully comply with the requirements of 35 U.S.C. 112, second paragragh.

IV. Rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a)

The Examiner has rejected claims 31, 33-36 and 47-50 under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US 2002/0034656 A1) and has rejected claims 38 and 43-46 under 35 U.S.C. 103(a) as being obvious over Thompson et al. Additionally, claims 31-34 and 37-46 were rejected under 35 U.S.C. 103(a) in view of Igarashi et al. (U.S. 2001/0019782 A1) or Grushin et al. (2002/0121638 A1). The claims have been amended herein. The claims as amended are directed to ligands that are not taught or suggested by the cited references. Applicants respectfully submit that the claims as amended are patentable in view of Thompson et al., Igarashi et al., and Grushin et al.

V. Rejections under obviousness-type double patenting

The Examiner has provisionally rejected claims 31-37 and 47-51 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claim 9 of co-pending Application No. 09/637,766. To advance prosecution of the pending applicaiton, the claims have been amended to delete overlapping subject matter.

The Examiner has provisionally rejected claims 47-50 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 68-92, 94-111 and 113-116 of co-pending Application No. 09/981,496. Applicants note that in a recent office action response, claims 68-92, 94-111 and 113-116 of co-pending Application No. 09/981,496 have been cancelled (*see* Response dated November 3, 2003 responding to Office Action of July 1, 2003).

The Examiner has provisionally rejected claims 31, 33-36, and 47-50 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 91-93, and 95-107 of co-pending Application No. 10/171,235. To advance prosecution of the pending applicaiton, the claims have been amended to delete overlapping subject matter.

Applicants respectfully submit that the rejections under the judicially created doctrine of obviousness-type double patenting have been overcome.

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VI. Conclusion

Applicants respectfully submit that the pending claims are now in condition for allowance and request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,
KENYON & KENYON

Dated: November 10, 2003

By: _____

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Figure 5d

Specific Mono-Anionic, Bidentate, Carbon-Coordination Ligands-I

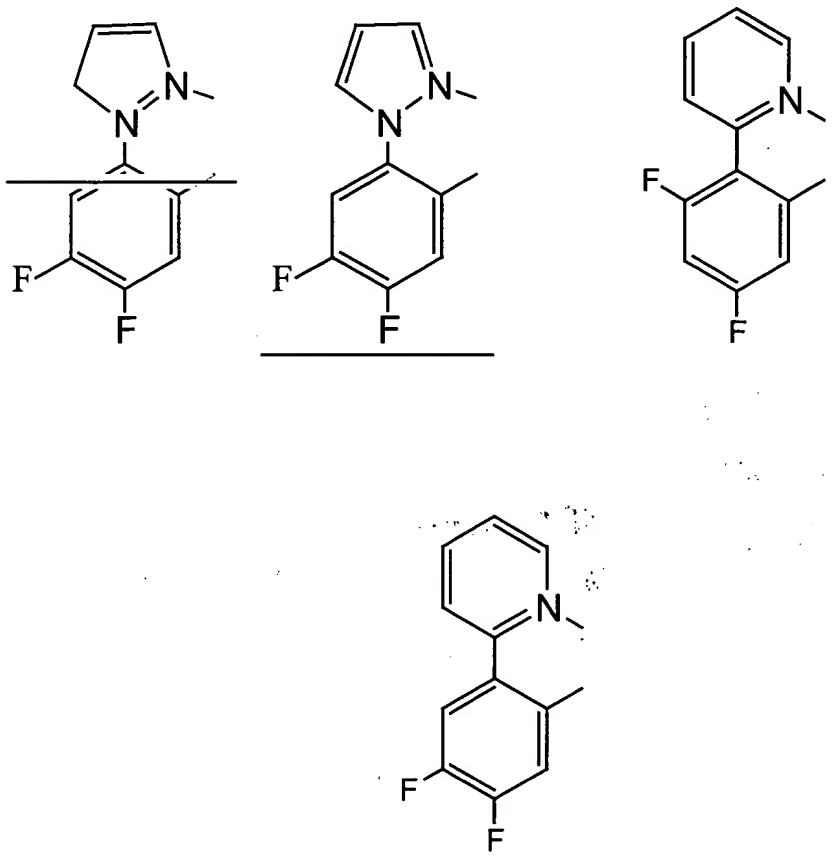
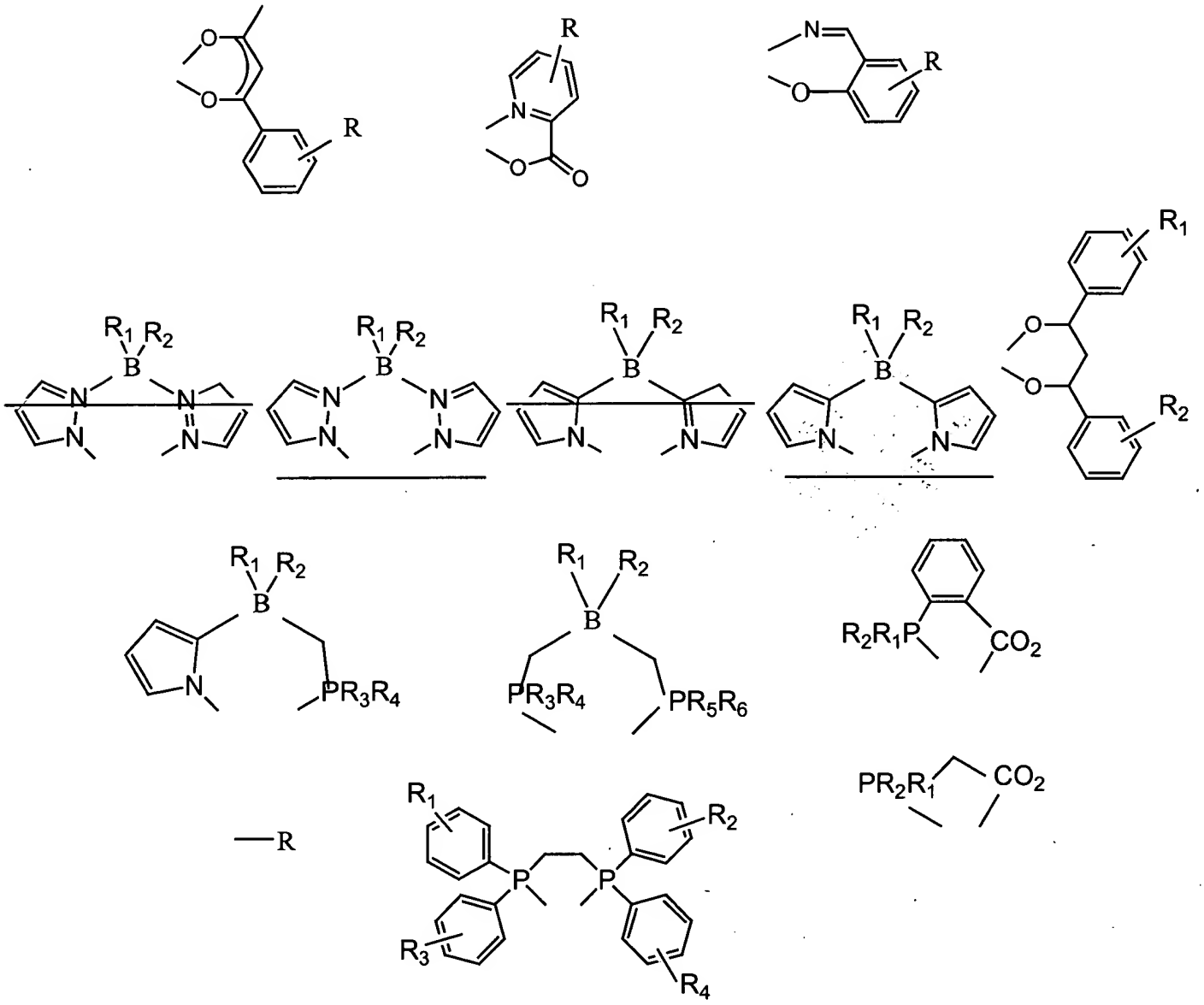


Figure 6a

Generic Non-Mono-Anionic, Bidentate, Carbon-Coordination Ligands-I



R, R_1, R_2, R_3, R_4, R_5, and R_6 are, independently, hydrogen, halogen, alkyl or aryl.

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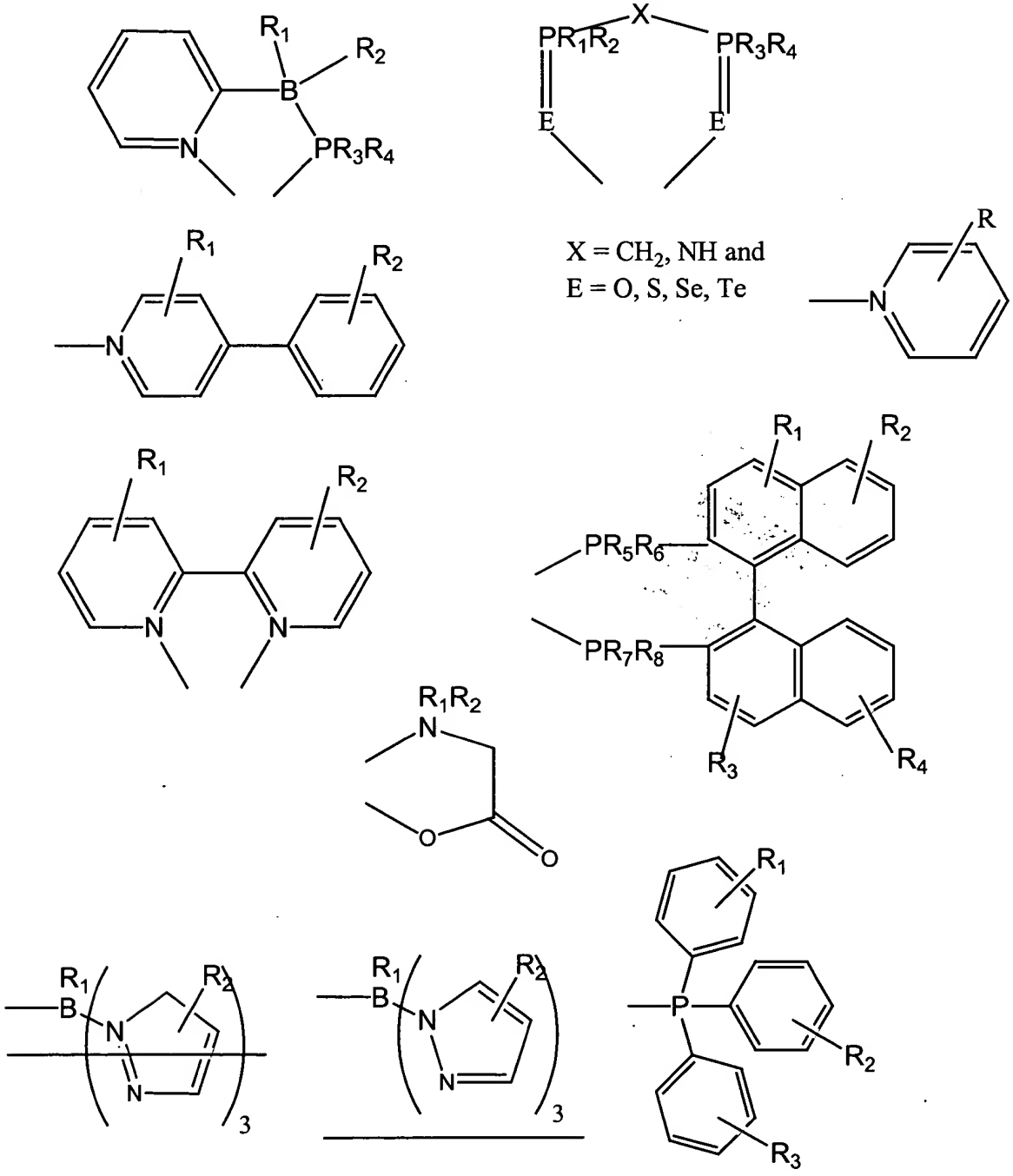
Figure 6b

Generic Non-Mono-Anionic, Bidentate, Carbon-Coordination Ligands-II



R, R_1, R_2, R_3, R_4, R_5, R_6, R_7 and R_8 are, independently, hydrogen, halogen, alkyl or aryl.

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Figure 6c

Specific Non-Mono-Anionic, Bidentate, Carbon-Coordination Ligands

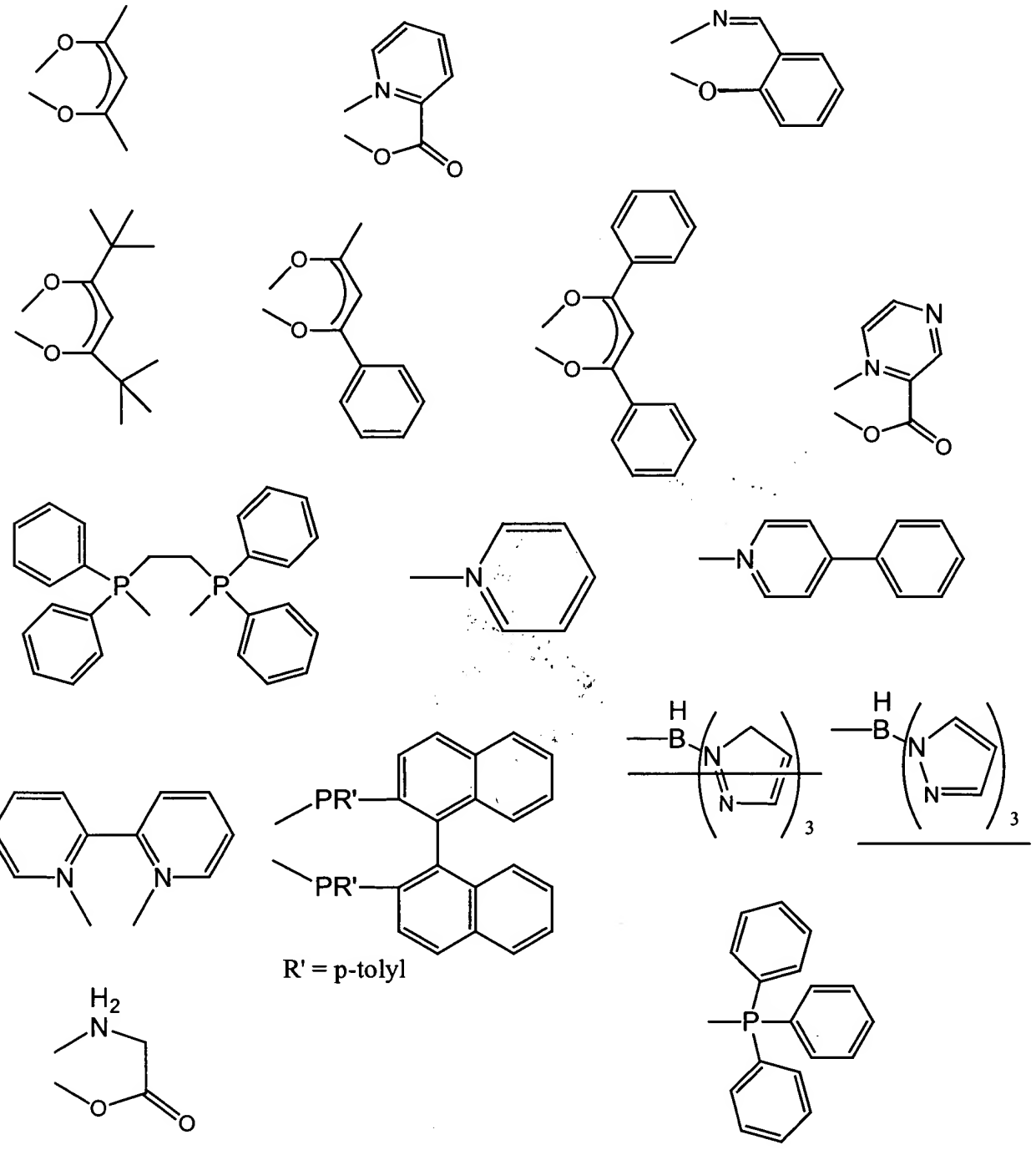

Figure 8d